

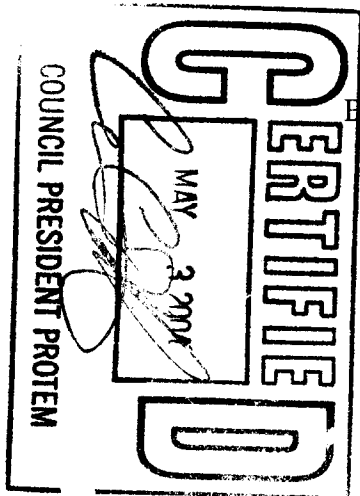
Entered - 12/31/02 - sb
CL02L0933 - DIANNE C. MITCHELL

CLAIM OF: **EFRAIN RAMIREZ**
3322 E. Roxboro Road, NE
Atlanta, Georgia 30324

04-R-0671

For damages alleged to have been sustained as a result of property damage due to sewer back ups on January 24, 2002 and May 28, 2002 at 3322 E. Roxboro Road, NE.

THIS ADVERSED REPORT IS APPROVED



BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 4/27/04

CHAIR: St

Ken Smith

Mary Yarnwood

Carl Spitzer

Celia Marshall

ADVERSED

MAY 03 2004



CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

May 10, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273

Efrain Ramirez
3322 E. Roxboro Rd., NE
Atlanta, GA 30324

04-R-0671

Dear Mr. Ramirez:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on December 01, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0933

Date: April 14, 2004

Claimant /Victim EFRAIN RAMIREZ

BY: (Atty)(Ins. Co.) _____

Address: 3322 East Roxboro Road, NE, Atlanta, Georgia 30324

Subrogation: Claim for Property damage \$ 4,558.92 Bodily Injury \$ _____

Date of Notice: 07/05/97, 01/24/02 & 05/28/02 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____

Date of Occurrence 12/17/02 Place: 3322 East Roxboro Road, NE

Department Watershed Management Bureau: Waste Water

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property was damaged due to a sewer back ups that occurred on January 24, 2002 and May 28, 2002. However, the investigation determined that the City had no notice of any problems with the sanitary sewer line prior to the events involving the claimant's property. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months X Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 04/14/04

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

DEC 17 2002

MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

Today's Date: 12-12-2002

ENTERED - 12-31-02 - SB
02L0933 - DIANNE MITCHELL

Dwight
Mitchell
12/30/02

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 4558.92 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: July 5, 1997 June 28, 2002
Jan 24, 2002
(month/day/year)
2. Police called: _____ X
Yes No
3. Location of incident: 3322 E ROXBORO RD NE, ATLANTA GA 30324
4. Name of your insurance company: STATE FARM INSURANCE Policy No. _____
5. State what and how incident occurred: 07/05/1997 - City changed water meters + clogged
source in home. 01/24/2002 - City Side of Sewer stopped-up + caused
SEWAGE BACKUP 06/28/2002 - City Side of Sewer blocked + caused SEWAGE
BACKUP
6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(make) (year) (tag number) (driver's name)

City vehicle: _____
(make) (City driver's name) (department/bureau)

[REDACTED]

December 12, 2002

In regards to: Claim For Damages

Clerk of Council
Council of the City of Atlanta
Clerk of Council
City Hall
55 Trinity Avenue, S.W.
Atlanta, GA 30335

Dear Clerk of Council,

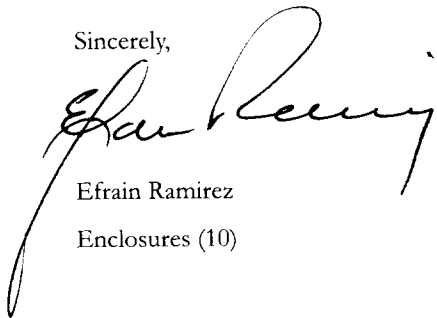
I appreciate your taking the time to address my claim. It has been literally years, since I have first tried to contact the correct person(s) to address my claims. It has been very frustrating and I am planning to pursue my claims to the end. The City has caused a financial strained due to their actions, or lack of, to maintain and to cooperate in resolving a problem with the water supply and sewer.

I have attached all of the correspondence that I have sent to various City departments in an attempt to reach the proper individuals. I was fortunate enough to look in the City's Web Page and found a staff member in the Mayor Shirley Franklin's office who directed me to your office. Since June of this year, I have spoken with my neighbor, who stated that he had the sewer backups that damaged his home and the City had to come out to unblock the sewer line. This was the week before I had my first major back-up. Apparently there was a problem, but no one was informed or asked in the neighboring homes to be on he look out.

I am asking that my claims totaling \$4558.92 be paid because these cost were incurred due to the City of Atlanta's employees actions and lack of actions.

I hope that you can help bring closure to these outstanding issues as soon as possible. Thank you for your time and assistance.

Sincerely,



Efrain Ramirez

Enclosures (10)

04-R-0671

3322 E ROXBORO RD NE
ATLANTA, GA 30324